

REMARKS

Claims 22-34, 36-38, 54-59, and 78-133 are pending in the Application. Claims 22-34, 36-38, 54-59, 78-95, and 122-129 stand rejected, claim 22 stand objected to, and claims 96-121 and 130-133 stand withdrawn, in the Office action mailed March 30, 2010. Claim 22 is amended and claims 87-92 are cancelled by this response. Claims 22, 30, 54, and 78 are independent claims. Claims 23-29 and 122, claims 31-34, 36-38, and 124, claims 55-59, 93-95, and 126, and claims 79-86, and 128 depend, respectively, from independent claims 22, 30, 54, and 78.

The Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is **essential** that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. **A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.**

M.P.E.P. § 2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth “all reasons and bases” for rejecting the claims.

Applicants respectfully request reconsideration of claims 22-34, 36-38, 54-59, 78-86, 93-95, 122, 124, 126, and 128, in view of the amendments set forth above, in light of the arguments that follow.

Objections to the Claims

Claim 22 was objected to, and has been amended so that the phrase “the device” now reads “the portable terminal device.” Applicants respectfully submit that the amendment to claim 22 does not create any estoppel or disclaimer, and does not add new matter. Applicants respectfully submit that the objection to claim 22 has been overcome, and respectfully request that the objection be withdrawn.

Rejections of Claims

Claims 87-92 were rejected under 35 U.S.C. §112, second paragraph. Claims 22-24, 28-30, 32-34, and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman (H1641) in view of Flammer (US 5,400,338) and Iwami, *et al.* (US 5,604,737, “Iwami”). Claims 25 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, and allegedly admitted prior art. Claims 26, 27, 37, and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, and Heidari (US 5,550,893). Claims 54, 58, 59, 78, 82-86, 93-95, 122, 124, 126, and 128 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, and Mahany (US 4,910,794). Claims 55 and 79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, Mahany, and allegedly admitted prior art. Claims 56, 57, 80, and 81 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, Mahany, and Heidari. Applicants respectfully traverse the rejections.

I. Rejection of Claims 87-92 Under 35 U.S.C. §112, 2nd ¶

Claims 87-92 were rejected under 35 U.S.C. §112, second paragraph. The Applicants traverse this rejection, but in an effort to advance prosecution, have nevertheless cancelled claims 87-92, rendering the rejection moot. Accordingly, the Applicants respectfully request that the rejection of claims 87-92 be withdrawn.

II. The Proposed Combination Of Sharman, Flammer, Iwami Does Not Render Claims 22-24, 28-30, 32-34, And 36 Unpatentable

Claims 22-24, 28-30, 32-34, and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman (H1641) in view of Flammer and Iwami. Applicants respectfully traverse the rejection.

Applicants first review the requirements for a rejection based on obviousness. According to M.P.E.P. §2142, “[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.” M.P.E.P. §2142 further states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” As recognized in M.P.E.P. §2142, “[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” In addition, the Federal Circuit has made clear that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

As noted in the Manual of Patent Examining Procedure (Revision 7, July 2008), “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” (emphasis added) See MPEP at 2143.03. Further, “[all words in a claim must be considered in judging the patentability of that claim against the prior art.’ *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA).” (emphasis added) *Id.*

Thus, the law is clear that words of a claim cannot be merely disregarded during examination. Instead, all the words in a claim must be considered during the examination process.

With regard to independent claim 22, Applicants respectfully submit that claim 22 recites, in part, “...wherein the portable terminal device transmits a request for

information identifying a remote system accessible to the portable terminal device via the wireless packet network, the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network.” Claims 30, 54, and 78 recite similar limitations. Applicants respectfully submit that the cited art does not teach at least this aspect of Applicants’ claim 22, for a number of reasons.

The Office admits “Sharman does not teach that the portable terminal device transmits a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network, and receiving the requested information from the remote system.” *Id.* at page 5. While Applicants appreciate recognition by the Office of some of the shortcomings of Sharman, Applicants respectfully submit that the Office has not shown where Sharman teaches any of Applicants’ feature “...wherein the portable terminal device transmits a request for information identifying a remote system accessible to the portable terminal device via the wireless packet network, the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network,” as recited by claim 22. Indeed, the Office fails to even address the claim language that recites “[information identifying a remote system] ... the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network” with respect to Sharman.

The Office then turns to Flammer stating at page 5, in part:

In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a wireless packet network the portable terminal device, receiving the requested information from the remote system. (col. 4 line 58- col. 5 line 21)

The Office identifies Applicants’ “portable terminal device,” “remote system,” and “request for information identifying a remote system” as being taught by the “roaming node,” “stationary node,” and “acquisition/synchronization packet” of Flammer. Notably, the Office does not even assert that Flammer teaches, suggests, or discloses

Applicants' claimed "[a request for information identifying a remote system] ... the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network." Cited col. 4, line 58 to col. 5, line 21 of Flammer describes FIG. 2, and states:

FIG. 2 depicts a flow chart illustrating the operation of a roaming node according to the invention. The process begins when the roaming node is turned on (Step Si). The roaming node then begins transmitting acquisition/synchronization packets on various network channels to any stationary nodes that can hear the transmission (Step S2). The roaming node then receives an acquisition/synchronization packet back from each stationary node that heard a packet (Step S3). The roaming node uses the information it received in these acquisition/synchronization packets and the signal strength of each packet to determine the stationary nodes to which it can most effectively communicate based on the power needed to reach that stationary and on the amount of empty capacity of that node. In one embodiment of the invention, the roaming node may receive from a stationary node an acquisition/synchronization packet containing not only information about that one stationary node but also information about other stationary nodes in the area with which the roaming node may be able to communicate. The roaming node may then use this information to transmit acquisition/synchronization packets to those other stationary nodes. Once the roaming node has received information about the stationary nodes in its area, the roaming node uses that information to select a parent node with the best communication link (Step S4). In one embodiment of the invention, the roaming node also stores information about other stationary nodes with which it can communicate and the roaming node transmits packets to the network through one of the alternate nodes if communication with the parent node is not possible.

The cited portion of Flammer shown above simply explains that, when turned on, a "roaming node" begins transmitting "acquisition/synchronization packets" to any "stationary nodes" that can hear them, and that each "stationary node" that receives an "acquisition/synchronization packet" from the "roaming node" sends an "acquisition/synchronization packet" back to the "roaming node." The "roaming node"

uses what information it receives to determine which “stationary node” the “roaming node” can most effectively communicate with, based on the power needed to reach that “stationary node” and on the amount of “empty capacity” of that “stationary node.” The “acquisition/synchronization packet” received by the “roaming node” may contain information about other “stationary nodes” in the area, which the “roaming node” may use to transmit “acquisition/synchronization packets” to those other “stationary nodes.” The “roaming node” uses received information about “stationary nodes” to select a “parent node” with the best communication link, and may store information about other “stationary nodes” to allow it to transmit packets through one of those nodes, if communication with the “parent node” is not possible.

Applicants respectfully submit that the Office is misinterpreting the teachings of Flammer. Flammer teaches use of an “acquisition/synchronization packet,” which the Office asserts teaches Applicants’ “request for information identifying a remote system accessible to the portable terminal device via a wireless packet network.” Flammer provides little detail about the nature of the “acquisition/synchronization packet,” but never teaches, suggests, or discloses that the “acquisition/synchronization packet” requests anything. Applicants respectfully submit that the mere transmission of information by a “stationary node” to a “roaming node” upon the “stationary node” receiving an “acquisition/synchronization packet” from the “roaming node” does not teach, suggest, or disclose a request for “information identifying a remote system accessible to the portable terminal device via a wireless packet network,” as asserted by the Office. Applicants further respectfully submit that the mere disclosure of a party responding to a received message does not inherently make the message a request. See M.P.E.P. §2112.

In addition, Applicants respectfully submit that Flammer discloses that the response of the “stationary node” to receiving the “acquisition/synchronization packet” from the “roaming node” is to transmit to the “roaming node” the same type of message it received, namely, an “acquisition/synchronization packet.” *Id.* at col. 4, lines 64-66. Even if Applicants were to agree, *arguendo*, that the “acquisition/synchronization packet” sent by the “roaming node” of Flammer is a “request for information identifying a remote system accessible to the portable terminal device via a wireless packet network”

as asserted by the Office, Applicants respectfully submit that the Office has not shown or explained how and why Flammer teaches the “stationary node” requesting the “roaming node” for information identifying a “stationary node” accessible to the “roaming node” via a wireless packet network.” Applicants respectfully submit that such a request by the “stationary node” is not taught or suggested by Flammer. **If the Office believes Applicants’ argument to be in error and wishes to maintain the rejection, Applicants respectfully request that the Office specifically identify the relevant portions of the cited art and explain in detail how and why the cited art teaches this behavior, to demonstrate that what the Office asserts is true.**

The failure of Flammer to teach all aspects of Applicants’ claim 22 is even more clear when one considers that Applicants’ claimed request is for “[a request for information identifying a remote system] ... the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network.” Applicants respectfully submit that neither the cited portions of Flammer at FIG. 2 and col. 4, line 58 to col. 5, line 21, nor any other figure or text from Flammer teaches, suggests, or discloses that any information sent to the “roaming node” by the “stationary node” identifies a “remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network,” as required by claim 22. Instead, according to Flammer, at col. 4, line 66 to col. 5, line 4, “[t]he roaming node uses the information it received in these acquisition/synchronization packets and the signal strength of each packet to determine the stationary nodes to which it can most effectively communicate based on the power needed to reach that stationary [node] and on the amount of empty capacity of that node.” (emphasis added) That is, the “roaming node” determines which of the responding “stationary node(s)” can be communicated with most effectively. Flammer also teaches, at col. 5, lines 29-36, that “[t]he roaming node also continuously tests the received data packets and sends out additional acquisition/synchronization packets to determine the status of the roaming nodes ability to transmit to other stationary nodes in order to make a decision regarding whether the communication link with the current parent node is still the best link (Step S7).” (emphasis added) Flammer fails to disclose that any information the “roaming node” receives in response to sending an “acquisition/synchronization packet” identifies that

any receiving “stationary node” is operable to communicatively couple the “roaming node” to a public telephone network,” as required by claim 22. Therefore, Applicants respectfully submit that Flammer also does not teach, suggest, or disclose “[a request for information identifying a remote system] ... the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network,” as recited by Applicants’ claim 22.

Applicants respectfully submit that the Office admitted “Sharman does not teach the portable terminal device transmits a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network, and receiving the requested information from the remote system.” *Id.* at page 5. Applicants have shown above that Flammer also does not teach at least this aspect of claim 22.

In addition, Applicants respectfully submit that the Office failed to show that the combination of Sharman and Flammer teach, suggest, or disclose the language of claim 22 that recites “[a request for information identifying a remote system] ... the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network.” Neither Sharman nor Flammer disclose such information, nor do they disclose sending or receiving a request for such information. Applicants respectfully submit that the Office does not assert that Iwami teaches the aspects of claim 22 missing from Sharman and Flammer.

The Office admits, at page 6, that “[t]he combination of Sharman and Flamer [sic] does not teach that the portable terminal device, upon receiving the requested information, initiates a call connection through the remote system to a subscriber on the public telephone network, using the requested information; and wherein the portable terminal device begins communicating digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber.” The Office then relies upon Iwami, stating:

In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31- 45) and beginning to communicate digital voice packets to the remote system upon receiving a

message indicating establishment of a call connection with the subscriber (col. 13 lines 45-46).

Thus, the Office cites Iwami col. 13, lines 31-46, a portion of the text of Iwami that describes cited FIG. 11, as teaching the missing elements of Sharman and Flammer. Applicants respectfully note that the Office does not even assert that Iwami teaches the claim 22 feature that recites “[a request for information identifying a remote system] ... the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network,” and which Applicants have shown is not taught, suggested, or disclosed by Sharman and/or Flammer. Applicants now address Iwami at col. 13, lines 31-46, shown below in context and underlined:

An arrow 401 represents a flow of operations performed by the communication terminal 10 connected to the LAN 1; an arrow 402 a flow of operations performed by the communication server 20 simultaneously connected to the LAN 1 and the public network 3; and an arrow 403 a flow of operations performed by the telephone 2 connected to the public network 3. When the user of the communication terminal selects a communication with a telephone (450), the communication terminal transmits a voice communication request to the communication server (451). The communication server, upon receiving the voice communication request, responsively transmits a call setting request to the telephone (452), and the telephone, in response to the reception of the call setting request, generates the ringing signal (453).

When the telephone user takes up the receiver (off-hook, 454), a call setting response is returned from the telephone to the communication server (455). The communication server, in response to the reception of this call setting response, transmits a voice communication response to the communication terminal (456), thereby entering a communication available state (457).

The cited portion of Iwami shown above describes actions illustrated by FIG. 11, which Iwami states is “a sequence diagram showing a procedure followed by a communication terminal connected to the LAN for making a call to a telephone through the communication server by a request from a communication terminal on the LAN.” *Id.*

at col. 6, lines 24-28. This portion of Iwami selected by the Office simply explains that when a user of a “communication terminal” selects communication with a telephone, the “communication terminal” transmits a “voice communication request” to a “communication server,” which transmits a “call setting request” to the telephone. The telephone, in response, generates a “ringing signal.” When the telephone goes “off-hook,” a “call setting response” is returned from the telephone to the “communication server,” which transmits a “voice communication response” to the “communication terminal,” thereby entering a “communication available state”. Applicants respectfully note that neither the cited portion of Iwami at col. 13, lines 31-46, nor FIG. 11, teach, suggest, or disclose “[a request for information identifying a remote system] ... the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network,” in accordance with claim 22. Iwami is also silent with respect to a terminal receiving the requested “[information identifying a remote system ... the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network.” Instead, Iwami simply teaches that a user at a “communication terminal” selects communication with a telephone, and that the “communication terminal” transmits a “voice communication request” to a “communication server” which, in response, sends a “call setting request” to the telephone. Applicants respectfully submit that the procedure of Iwami is quite different from Applicants’ claimed feature “request for information identifying a remote system ... operable to, at least, communicatively couple the portable terminal to a public telephone.” Clearly, the “communication terminal” of Iwami knows that the “communication server” is to receive the “call setting request,” as Iwami describes the “communication terminal” as sending the “call setting request” specifically to the “communication server,” and does not teach, suggest, or disclose that the “communication terminal” makes any request for “information identifying a remote system ... operable to, at least, communicatively couple the portable terminal device to a public telephone network,” in accordance with Applicants’ claim 22. Therefore, Applicants respectfully submit that Iwami fails to remedy the deficiencies of Sharman and Flammer identified above and those admitted by the Office, that the proposed combination of references fails to teach, suggest, or disclose all aspects of Applicants’

claim 22 as required by M.P.E.P. §2143.03, and that the Office has not established a *prima facie* case of obviousness for at least the reasons set forth above. Applicants respectfully submit that claim 22 is allowable for at least an additional reason.

Applicants' claim 22 also recites, in part, "...wherein the portable terminal device, upon receiving the requested information, initiates a call connection through the remote system to a subscriber on the public telephone network, using the requested information." The Office recognizes that the proposed combination of Sharman and Flammer does not teach at least this aspect of Applicants' claim 22. See Office action at page 6. Applicants respectfully submit that the Office has not shown where any of Sharman, Flammer, or Iwami teach requesting "[information identifying a remote system] ... operable to, at least, communicatively couple the portable terminal device to a public telephone network," as recited by Applicants' claim 22. Applicants also respectfully submit that it then necessarily follows that the proposed combination of references also cannot teach receiving the "requested information" and "upon receiving the requested information, initiat[ing] a call connection through the remote system to a subscriber on the public telephone network, using the requested information," as required by Applicants' claim 22. Because the cited art does not teach, suggest, or disclose at least these aspects of Applicants' claim 22, Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness as required by M.P.E.P. §2142, that the proposed combination of references does not render claim 22 unpatentable, and that claim 22 is allowable over the cited art for at least this additional reason. Applicants respectfully submit that claim 22 is allowable over the cited art for at least an additional reason.

Applicants' claim 22 also recites, in part, "...wherein the portable terminal device begins communicating digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber." The Office concedes that the combination of Sharman and Flammer does not teach at least this aspect of claim 22. See Office action at page 6. The Office relies on Iwami at col. 13, lines 45-46 for this teaching. Applicants have already addressed the cited portion of the disclosure of Iwami, above, and respectfully submit that the cited portion of Iwami at col. 13, lines 45-46 simply states, "[t]he communication server, in response to the reception

of this call setting response, transmits a voice communication response to the communication terminal (456), thereby entering a communication available state (457).” Thus, the selected portion of Iwami teaches that, in response to receiving a “call setting response,” the “communication server” transmits a “voice communication response” to the “communication terminal” and enters a “communication available state”. The cited portion of Iwami fails to say anything about what the “communication terminal” does or does not do with regard to the transmission of “digital voice packets,” let alone that the “communication terminal” of Iwami begins communicating “digital voice packets” to the “communication server,” or any other element of Iwami, “upon receiving a message indicating establishment of a call connection.” Iwami does not provide that level of detail, and it is not necessarily true that the “communication terminal” of Iwami would behave in the manner required by claim 22. See M.P.E.P. §2112 for requirements of a rejection based on inherency. The Office has admitted that Sharman and Flammer do not teach at least this aspect of Applicants’ claim 22, and Applicants have now shown that the Iwami also does not teach at least this aspect of claim 22. Therefore, Applicants respectfully submit that it necessarily follows that the proposed combination of Sharman, Flammer, and Iwami does not teach, suggest, or disclose at least this aspect of claim 22 and that the cited art therefore does not teach, suggest, or disclose all aspects of claim 22. Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness with respect to claim 22, that the cited art does not render claim 22 unpatentable, and that claim 22 and any claims that depend therefrom are allowable over the cited art for at least this additional reason.

With regard to independent claim 30, Applicants respectfully submit that claim 30 recites features similar to those of claim 22, was rejected over the same art using the same rationale used in the rejection of claim 22, and that claim 30 and any claims that depend from claim 30 are therefore allowable over the cited art for at least some of the reasons set forth above.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that claims 22 and 30 are allowable over the cited art. Applicants respectfully submit that because claims 23-29 and 122 depend from allowable claim 22, and claims 31-34, 36-38, and 124 depend from allowable claim 30, that those claims are also allowable

over the proposed combination of Sharman, Flammer, and Iwami. Accordingly, Applicants respectfully request that the rejection of claims 22-24, 28-30, 32-34, and 36 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. The Proposed Combination Of Sharman, Flammer, Iwami, And Allegedly Admitted Prior Art Does Not Render Claims 25 and 31 Unpatentable

Claims 25 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, and allegedly admitted prior art. Claims 25 and 31 depend, respectively from independent claims 22 and 30. Applicants respectfully submit that claims 22 and 30 are allowable over the cited art, in that the Office has not shown that the allegedly admitted prior art overcomes the shortcomings of Sharman, Flammer, and Iwami, as set forth above. Because claims 22 and 30 are allowable over the cited art, Applicants respectfully submit that claims 25 and 31 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 25 and 31 under 35 U.S.C. §103(a).

IV. The Proposed Combination Of Sharman, Flammer, Iwami, And Heidari Does Not Render Claims 26, 27, 37, And 38 Unpatentable

Claims 26, 27, 37, and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, and Heidari. Claims 26 and 27 and claims 37 and 38 depend, respectively from independent claims 22 and 30. Applicants respectfully submit that claims 22 and 30 are allowable over the cited art, in that the Office has not shown that Heidari overcomes the shortcomings of Sharman, Flammer, and Iwami, as set forth above. Because claims 22 and 30 are allowable over the cited art, Applicants respectfully submit that claims 26, 27, 37, and 38 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 26, 27, 37, and 38 under 35 U.S.C. §103(a).

V. The Proposed Combination Of Sharman, Flammer, Iwami, And Mahany Does Not Render Claims 54, 58, 59, 78, 82-86, 93-95, 122, 124, 126, And 128 Unpatentable

Claims 54, 58, 59, 78, 82-86, 93-95, 122, 124, 126, and 128 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, and Mahany. Applicants respectfully traverse the rejection.

With regard to independent claims 54 and 78, Applicants respectfully submit that claims 54 and 78 recite features similar in many ways to those of independent claims 22 and 30, and that the Office rejects those shared features over the same combination of art for the same reasons. Applicants have shown above with respect to the rejections of claims 22 and 30 that the proposed combination of Sharman, Flammer, and Iwami does not teach certain features of claims 22 and 30 also recited by claims 54 and 78. Further, the Office does not assert that Mahany teaches those aspects of claims 54 and 78 that Applicants have demonstrated are not taught by the proposed combination of Sharman, Flammer, and Iwami. Because Applicants have shown that Sharman, Flammer, and Iwami do not teach claim features shared by claims 22, 30, 54, and 78, and the Office does not assert that Mahany teaches those features of claims 54 and 78, Applicants respectfully submit that the Office has not shown that the combination of Sharman, Flammer, Iwami, and Mahany teaches at least those features of claims 54 and 78, and that claims 54 and 78 are therefore allowable over the cited art. Applicants respectfully submit that pending claims 58, 59, 82-86, 93-95, 122, 124, 126, and 128 depend, directly or indirectly, from allowable claims 54 and 78, and are therefore also allowable over the proposed combination of references. Accordingly, Applicants respectfully request that the rejection of claims 54, 58, 59, 78, 82-86, 93-95, 122, 124, 126, and 128 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VI. The Proposed Combination Of Sharman, Flammer, Iwami, And Allegedly Admitted Prior Art Does Not Render Claims 55 And 79 Unpatentable

Claims 55 and 79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, Mahany, and allegedly admitted prior art. Claims 55 and 79 depend, respectively from independent claims 54 and 78. Applicants respectfully submit that claims 54 and 78 are allowable over the cited art, in that the Office has not shown that the allegedly admitted prior art overcomes the shortcomings of Sharman, Flammer, and Iwami, as set forth above. Because claims 54 and 78 are allowable over the cited art, Applicants respectfully submit that claims 55 and 79 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 55 and 79 under 35 U.S.C. §103(a).

VII. The Proposed Combination Of Sharman, Flammer, Iwami, And Heidari Does Not Render Claims 56, 57, 80, And 81 Unpatentable

Claims 56, 57, 80, and 81 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharman in view of Flammer, Iwami, and Heidari. Claims 56 and 57 and claims 80 and 81 depend, respectively, from independent claims 54 and 78. Applicants respectfully submit that claims 54 and 78 are allowable over the cited art, in that the Office has not shown that Heidari overcomes the shortcomings of Sharman, Flammer, and Iwami, as set forth above. Because claims 54 and 78 are allowable over the cited art, Applicants respectfully submit that claims 56, 57, 80, and 81 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection if claims 56, 57, 80, and 81 under 35 U.S.C. §103(a).

Conclusion

In general, the Office Action has made various statements regarding the claims and the cited references during the course of prosecution that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22-34, 36-38, 54-59, 78-86, 93-95, 122, 124, 126, and 128 are in condition for allowance. Therefore, allowance of claims 22-34, 36-38, 54-59, 78-86, 93-95, 122, 124, 126, and 128 is respectfully requested.

The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000 to resolve any issues.

Respectfully submitted,

Dated: June 30, 2010
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